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11 *Insurance Company*

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14
15 LENSRAFTERS, INC., and EYEXAM OF
CALIFORNIA, INC.,

16 Plaintiffs,

17 v.

18 LIBERTY MUTUAL FIRE INSURANCE
19 COMPANY; EXECUTIVE RISK SPECIALTY
20 INSURANCE COMPANY; UNITED STATES
21 FIRE INSURANCE COMPANY; MARKEL
AMERICAN INSURANCE COMPANY and
WESTCHESTER FIRE INSURANCE
COMPANY,

22 Defendants.
23

No. C07-02853 SBA

[Related Case No. C 04-01001 SBA]

**STIPULATION AND ORDER
EXTENDING TIME FOR
DEFENDANT EXECUTIVE RISK
SPECIALTY INSURANCE COMPANY
TO RESPOND TO COMPLAINT**

24 WHEREAS, by notice pursuant to Fed. R. Civ. P. 4(d)(2) dated June 5, 2007, Plaintiffs
25 requested that defendant Executive Risk Specialty Insurance Company ("ERSIC") waive formal
26 service of service of the summons and Complaint herein and ERSIC so agreed to waive formal
27 service;

28 WHEREAS, pursuant to Fed. R. Civ. P. 4(d)(3), ERSIC's response to the Complaint is

1 due August 6, 2007;

2 WHEREAS, ERSIC has requested and Plaintiffs have agreed to a 25-day extension of
3 time for ERSIC to answer or otherwise respond to the Complaint;

4 WHEREAS, no previous extensions of time have been requested or received by ERSIC in
5 this matter;

6 WHEREAS, on May 31, 2007 and June 29, 2007, the Court issued Case Management
7 Scheduling Orders, and thus ERSIC and Plaintiffs agree that the dates set forth in those Orders
8 remain notwithstanding the 25-day extension of time to respond to the Complaint;

9 WHEREAS, notwithstanding the absence of a responsive pleading, ERSIC agrees to
10 comply with all deadlines set by the Court in the Case Management Scheduling Orders;

11 NOW THEREFORE, the Parties hereby STIPULATE to and REQUEST that the Court
12 grant an extension of time, to and including September 4, 2007, for ERSIC to answer or otherwise
13 respond to the Complaint.

14 Date: August 3, 2007

Respectfully submitted,

ROSS, DIXON & BELL, LLP

17 /s/ Terrence R. McInnis
18 Terrence R. McInnis

19 and

20 Monique M. Fuentes
Siavash Daniel Rashtian

21 *Attorneys for Defendant Executive Risk*
22 *Specialty Insurance Company*

HELLER EHRMAN WHITE & McAULIFFE, LLP


/s/ Celia M. Jackson
Celia M. Jackson

and

Richard DeNatale
*Attorneys for Plaintiffs LensCrafters, Inc. and
EYEXAM of California, Inc.*

IT IS SO ORDERED:

Date: August 13, 2007


Hon. Sandra Brown Armstrong
United States District Court Judge